

# ASFO NEPA DOCUMENT ROUTING SHEET

Number: CX-AZ-110-2005-0055

Project Title: Silver Arrow Stone Noncompetitive Sale

Project Lead: Rody Cox

Date that concurrent, electronic distribution for review was initiated: July 20, 2005

Deadline for receipt of responses: August 10, 2005

## Required Reviews:

Gloria Benson, Native American Coordinator

Tom Folks, Recreation

Laurie Ford, Lands/Realty/Minerals

John Herron, Cultural

Lee Hughes, Plants

Michael Herder, Wildlife

Ray Klein, Law Enforcement, G-C Parashant

Linda Price, S&G

Bob Sandberg, Range

Bob Smith, HazMat

Richard Spotts, Environmental Coordinator

Ron Wadsworth, Law Enforcement

L. D. Walker, Noxious Weeds

Relevant Manager(s) *[GCPNM, VCNM, and/or Public Domain]*

## Discretionary Reviews:

Scoping Meeting:

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ARIZONA STRIP FIELD OFFICE  
CATEGORICAL EXCLUSION REVIEW**

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**CX-AZ-110-2005-0055**

**PROJECT TITLE:** Silver Arrow Stone Negotiated Sale

**PROJECT LEAD:** Rody Cox

**PROPOSED ACTION:** Silver Arrow Stone Co., LLC (Silver Arrow) has applied to purchase landscape boulders from a two parcels of land encompassing less than 2.5 acres, where the BLM owns both the surface and mineral estate (see attached Site Location Map). Silver Arrow proposes to purchase boulders located on two small hills and remove the boulders with a rubber tire tractor (front end loader/backhoe), fork lift or tracked backhoe, if necessary, load them onto a flat-bed truck and/or trailer with a maximum capacity of 25 tons. The hills are would be accessed by driving overland along a proposed access route, no blading would be done. Reclamation would occur concurrently with mining to minimize surface disturbances. They would operate intermittently and have requested to purchase 400 tons of boulders (approximately 270 cubic yards) over a two (2) year term, with provisions for extensions. Extensions or additional contracts could be approved, in compliance with this categorical exclusion, if there is continued demand for the material up to a maximum of 50,000 cubic yards contained within 5 acres. Removal of materials beyond these limitations would require additional NEPA review. It is proposed to authorize this sale in compliance with the 43 CFR 3600 regulations. Authorization for mineral material sales is regulated by 43 CFR § 3602.

The operating stipulations are listed below:

1. Unless otherwise specified, the permittee will adhere to the mining and reclamation plans, only surface removal of boulders is allowed.

2. The BLM authorized officer or his delegated representative shall be allowed to examine the mineral material area at any time for compliance with the provisions of the contract and to determine the quantity of the mineral material removed. With reasonable notice, the BLM authorized officer may inspect the records and books of the permittee to determine the quantity of material removed. The permittee will keep a log of every time mineral materials are removed and the amount removed. This log may be inspected by BLM personnel at any time. A copy of the log will be supplied to the BLM at the end of the contract or on a yearly basis, whichever comes first.

3(a) All applicable Federal, State, and County laws and ordinances must be complied with, including standards for air quality.

(b) The permittee shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601,et.seq.) with regard to any toxic substances used, generated by, or stored in the contract area. Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 4 CFR 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liabilities Act of 1980, section 102b. A copy of any report required or requested by any Federal or State agency as a result of a reportable release or spill shall be furnished to the BLM's authorized officer concurrent with the filing of the reports to the involved Federal or State agency.

4(a) Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Field Office Manager shall be notified. Commencement of work shall be allowed upon clearance by the Field Office Manager in consultation with the Archaeologist.

(b) An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement, or continuation of the project.

(c) If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Field Office Manager. The permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

5. Contract sites shall be maintained in a sanitary condition at all times. The permittee will promptly remove and dispose of all waste caused by the operations as directed by the authorized officer. "Waste" refers to all discarded matter including human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed in an authorized landfill unless otherwise approved in writing by the authorized officer. Any drain oil from equipment will be contained and removed to an approved disposal facility.

6. No holes, pits, equipment or facilities which would endanger human life, livestock, or wildlife will be maintained on the ground during the extraction or upon the termination of the contract.

7. Unless specifically authorized in writing, the permittee shall stay at least thirty (30) feet from all fences, improved roads, or other land improvements.

8. A copy of the contract and these stipulations must be in each vehicle that hauls material from the site.

9. Any equipment left unattended on the site must be clearly marked so BLM inspectors can identify the permittee.

10. The permittee shall allow free and unrestricted public access to and upon the contract area for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the contract area.

11. No work shall be done during periods when the soil is too wet to adequately support the equipment. If equipment creates rut in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the equipment.

12. During conditions of extreme fire danger, operations may be limited or suspended in specific areas by the BLM authorized officer. Additional fire safety measures may also be required by the BLM authorized officer.

13. The permittee agrees to pay all costs incurred by the Government pertaining to the investigation and processing of any trespass action involving unauthorized removal of material by the permittee.

14. The permittee shall protect all survey monuments found within the contract area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments.

In the event of obliteration or disturbance of any of the above survey monuments, the permittee shall immediately report the incident, in writing, to the authorized officer of the BLM and the respective installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operation, the permittee shall secure the services of a registered land

survey or Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of Public Lands of the United States, USDI, latest edition. The permittee shall record such survey in the appropriate county and send a copy to the authorized officer of the BLM. If Bureau of Land Management or other Federal cadastral surveyors are used to restore the survey monument, the permittee shall be responsible for the survey cost.

15. Immediately prior to the start of this permitted project, BLM shall contact personnel monitoring California condor locations and movements on the Arizona Strip to determine the locations and status of condors in or near the project area. BLM may encourage the permittee to modify, relocate, or delay project activities where adverse affects to condors may result.

16. The permittee shall notify the BLM wildlife team lead or condor biologist if California condors visit the worksite while permitted activities are underway. BLM may encourage the permittee to modify, relocate, or delay project activities where adverse affects to condors may result.

17. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the BLM requires the following measures be taken: The permittee will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the sale site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The permittee shall be responsible for the eradication of noxious weeds on disturbed areas within the limits of the sale site during the contract period. The permittee is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in BLM's EIS, by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.

18. At the earliest feasible time, the permittee will reclaim the area disturbed. Reclamation will include reasonable measures to prevent or control on-site and off-site damage of public lands.

19. Reclamation will conform to the site reclamation plan and will include but not be limited to:

- a. Controlling erosion and water runoff;
- b. Isolating, removing, or controlling toxic materials;
- c. Reshaping disturbed areas and revegetation;
- d. Controlling noxious weeds invading the site.

20. Access roads, unless otherwise approved by the authorized officer, will be closed by reshaping the disturbed area to near original contours, scarifying where compaction prevents seed covering, and revegetating with the mixture determined by the authorized officer. Waterbars will be placed on steep inclines and access blocked to future vehicular traffic.

21. Seeding of disturbed areas will be done between October 15 and December 15. Seedbeds will be prepared to a depth of 6 inches by ripping, discing, or harrowing. Seed will be planted with a rangeland or farm drill or broadcast seeded. If broadcast seeded, the seed will be harrowed or raked 1/4 to 1/2 inch into the soil. The seed amount will be doubled if the area is broadcast seeded. The recommended seed mixture to be used will be determined by the authorized officer.

22. All hazardous materials or substances produced by the operation will be disposed of in accordance with applicable federal and state laws. All waste, debris, buildings and materials will be removed from the site and deposited at appropriate waste facilities.

23. The authorized officer will be notified at least 72 hours prior to commencement or re-commencement

of activities and within 10 days of final reclamation.

**LOCATION OF PROPOSED ACTION:** The site is contained in the SWNE, SENW of Section 33, T. 38 N., R. 5 W., G&SRM (map attached) and is within the Head of Hacks grazing allotment. The lands are public domain with no special designations and no active mining claims.

**PLAN CONFORMANCE REVIEW:** The proposed action has been reviewed for conformance with the Arizona Strip District Resource Management Plan (1992). The proposed action is in conformance with the RMP. The Vermillion Resource Area Implementation Plan decision M101, page 16 states "Provide for the disposal and regulation of mineral materials at fair market value on a case-by-case basis. Free -use permits would be issued to federal and state agencies, and local communities."

**CATEGORICAL EXCLUSION REVIEW:** The proposed action is categorically excluded under 516 DM 6, Appendix 5.4: F. (10) states " Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME	LIST OF EXCLUSION CRITERIA <i>Assign surnames for determination under each below</i>
<u>Smith</u>	1. The proposal would have no adverse effects on public health or safety: <i>Identify the effect if any</i>
<u>Folks</u>	2. The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks: <i>Identify the area that would be affected if any</i>
<u>Herron</u>	3. The proposal would have no adverse effects on historic or cultural resources: <i>Identify the effect if any</i>
<u>Cox</u>	4. The proposal would have no highly controversial environmental effects: <i>Identify the effect if any</i>
<u>Cox</u>	5. The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks: <i>Identify the effect if any</i>
<u>Cox</u>	6. The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: <i>Identify the effect if any</i>
<u>Cox</u>	7. The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: <i>Identify the other actions and their effects if any</i>
<u>Herron</u>	8. The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: <i>Identify the effect if any</i>
<u>Hughes</u>	9. The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Identify the species and effect if any</i>

- Herder 10. The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species and effect if any*
- Smith 11. The proposal would not require compliance with Executive Order 11988 (Floodplain Management) or Executive Order 11990 (Protection of Wetlands). *Identify the order and effect if any*
- Herder 12. The proposal would not require compliance with the Fish and Wildlife Coordination Act: *Identify the effect if any*
- Cox 13. The proposal does not threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment: *Identify the law and effect if any*
- Ford 14. The proposal is in conformance with the Arizona Strip District Resource Management Plan/ Environmental Impact Statement (January, 1992)

**REVIEWERS:**

RESOURCE	NAME	COMMENTS	SIGNATURE	DATE
Botanist	Lee Hughes	No affect	Yes	8/18/05
Cultural	John Herron	No concerns	Yes	8/19/05
HazMat	Bob Smith	No concerns	Yes	8/25/05
Lands	Laurie Ford	No affect	Yes	7/21/05
Management	Becky Hammond	No response		
Minerals	Rody Cox	Processed proposal	Yes	
Native American Coord.	Gloria Benson	No comment	Yes	8/19/05
NEPA	Richard Spotts	Revised CX	Yes	8/3/05
Range	Kevin Schoppmann	No problems	Yes	8/16/05
S&G	Linda Price	No affect	Yes	8/17/05
Wildlife	Michael Herder	Stipulations added	Yes	7/26/05
VRM, Recreation	Tom Folks	Comments addressed	Yes	8/18/05
Law Enforcement	Ray Klein	No comment	Yes	8/2/05
Law Enforcement	Ron Wadsworth	No concerns	Yes	7/25/05
Noxious Weeds	L.D. Walker	Stipulation revised	Yes	8/11/05

DECISION: We have reviewed this plan conformance and NEPA compliance record and have determined that the proposal is in conformance with the approved land use plan, that it would have no significant environmental effects, and that no further environmental analysis is required.

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Environmental Coordinator - Arizona Strip

**IT IS MY DECISION TO IMPLEMENT THE PROPOSAL, AS DESCRIBED, WITH THE STIPULATIONS IN THE ATTACHMENT.**

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Field Manager - Arizona Strip